IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 23452 of 2005(P)

PETITIONER:

JAYAKUMAR.G. TECHNICAL ASSISTANT,
SUGAR CARE RESEARCH STATION,
KALLUMKAL P.O. THIRUVALLA 689 102.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF AGRICULTURE, THIRUVANANTHAPURAM.**

2. **THE KERALA AGRICULTURAL UNIVERSITY, REPRESENTED BY ITS REGISTRAR, VELLANIKKARA, THRISSUR.**

BY ADV. SMT.P.JAYA, SC, AGRL. UNIVERSITY
BY GOVERNMENT PLEADER SRI. R.LAKSHMINARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.23452/2005 P

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE 2ND RESPONDENT, DTD. 16/08/2003.**

EXT.P2: **COPY OF THE LETTER DTD. 27/09/2003 OF THE 2ND RESPONDENT.**

EXT.P3: **COPY OF THE NOTIFICATION DTD. 2/05/2005 PUBLISHED IN THE MATHRUBHOOMI DAILY, DTD. 7/05/2005.**

EXT.P4: **COPY OF THE MEMO OF THE 2ND RESPONDENT DTD. 12/07/2005 TO THE PETITIONER.**

EXT.P5: **COPY OF THE NOTIFICATION OF THE KERALA AGRICULTURAL UNIVERSITY, DTD. 21/03/1995 VIDE NO.GA/E3/34198/90 (ii).**

EXT.P6: **COPY OF THE ORDER NO.GA/C2/10177/99 OF K.A.U., DTD. 2/03/2000.**

EXT.P7: **COPY OF THE G.O.(MS) NO.77/2004/H.EDN. DTD. 8/07/2004.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.23452 OF 2005-P

JUDGMENT

The petitioner is working as Technical Assistant in the 2nd respondent Kerala Agricultural University. The said University invited applications for appointment to the post of Assistant Professor in various disciplines under the faculties of Agriculture, Veterinary and Animal Sciences and Agricultural Engineering. The petitioner is qualified for appointment to the post of Assistant Professor (Agronomy) under the faculty of Agriculture. But, he has crossed the age limit, which is prescribed as 35 years as on 1.1.2005. He applied for the post. But, his application was rejected by Ext.P4 memo, on the ground that he is over-aged.

2. The petitioner submits, the University is following the I.C.A.R pattern, as evident from Ext.P6 order of the Government dated 2.3.2000. He also relies on Ext.P7, which is an order issued by the Government, relaxing the age limit in the matter of appointment to the post of Lecturer in the Government Arts & Science Colleges, Training Colleges, Law Colleges and Sanskrit Colleges under the Collegiate Education Department. The said order says, because of the delinking of the Pre-degree course, there was no

recruitment to the post of Lecturer for quite some time. So, many persons lost their chances. Therefore, to help them, age relaxation is granted as 40 years for two years with effect from 1.1.2004. Relying on the above orders, the petitioner submits, age relaxation may be granted in his case also. Being an in-service candidate, he should have been given age relaxation, it is contended. This writ petition is filed, challenging Ext.P4 and also seeking consequential reliefs.

3. Heard the learned standing counsel for the University also. In the matter of recruitment, the University is bound by its statutes. It is common case that the statute prescribes the age limit as 35 years. Ext.P6 is a Government order concerning the implementation of I.C.A.R package for the employees of the Kerala Agricultural University. The said order also says that for following the I.C.A.R pattern in the matter of recruitment and qualifications, the Kerala Agricultural University Act and the statutes, if necessary, will be amended. As long as the statute remains in force, prescribing the age qualification as 35 years, no relief could be granted to the writ petitioner. The order issued by the Government under Rule 39 of the K.S. & S.S.R can have no application to the employees of the Kerala Agricultural University. Further, there was no ban on recruitment in the Kerala Agricultural University, as a result of the delinking of the Pre-degree

course also. The claim of the petitioner for relaxation in the age limit on the ground that he happened to be an employee of the Kerala Agricultural University, is also plainly untenable, in the absence of any such provision in the statute.

In the result the writ petition fails and it is dismissed.

14th September, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/